riages since the manifesto, I shall not vote to sustain them as apostices.

Senator Smoot was asked regarding a meeting at which President Smith spoke when Mrs. Bathsheba Smith was present. The Senator said he was present with Mrs. Smoot. He did not understand President Smithto advocate the practice of polygamy. Senator Smoot was questioned regarding the Evans hill, passed by the Utah Legislature and vetes by the Governor, providing that persons should not be prosecuted for polygamous cohabitation except on complaint of the weman in the case or by near relatives. Mr. Smoot said he had talked with flow. Wells about it, and that he had expressed his disapproval of the bill.

There is no doubt in the world that religious classes are held in the public school houses in Utah, said Senator Smoot, in reply to a question. Thave always said that it would be best for religious classes not to be held in schoolhouses, even after school closes. I am glad the order prohibiting them has been issued. In some counties there are no public buildings, and this condition was brought about in that way. No student is compelled to attend such classes, and no teacher is compelled to teach.

Of the charged that the First Presidency and talky aparties are the supreme power.

It is charged that the First Presidence

Q It is charged that the high officials on live at and encourage the practice of oligamy, do you? A. I do not.
Q. Do you have any knowledge of alleged fural marriages entered into after the manistic, other than what has appeared in the vestigation? A. I have not.

Worthington here turned the witness ver to Mr. Tayler for cross-examination.

Q. Have you at any other time married any other woman? A. I have not Q. Have you at any time cohabited with any other woman? A. I have not Q. Have you at any time cohabited with any other woman? A. I have not Q. Have you at any time cohabited with any other woman? A. I have not Q. You believe it was approved of God and was right in practice until prohibited by the manifesto? A. As an abstract doctrine I believe in it, but as a practice in violation of the laws of my country I do not.

parents were Mormons, his mother being a plural wife of his father. Both are dead.

orior to 1900.

was given and the campaign began. The consent consent was given by President Smith and his two convertes.

homes of some of his crother anosiles. He said the people generally thought polygamy in the Mormons married before the manifesto should be tolerated as the easiest way to let the thing die out. He accepted these conditions, which had prevailed for

Senator Smoot said the same thing re-garding Apostles Cowley and Cannon. He

Q. What came up at the meeting regarding by Senator Platt.

any other voman? A. I have not.
Q. Where were you married? A. In the
Temple at Logan.
Q. Did you take the Endowments? A. Not
at that time. In 188, I took the Endowments
preparatory to taking a trip to the Sandwich
Islands with my father.
Q. Did you take any oath or obligation

Q. Were you under any obligation which in any way prevented you from taking the degree affecting your loyalty as a citizen to the Government of the United States?

A. I was not.

Senator Smoot told of his participation in politics, showing how he had worked and

Senator Smoot told of his participation in politics, showing how he had worked and become prominent as a Republican. His father was a Kentucky Democrat, but the son soon became a Republican and was prominent early in his life as a worker and organizer. He had charge of the "Southern or the proposed to live with his plural wives and take his chances was read. Mr. Smoot said he regarded that merely as the opinion of Smith, and not of all polygamists. Smoot's father, for example, obeyed

er. He had charge of the "Southern
" as they were called in Utah Repubolities, and was the recognized leader
o 1900. Enriv in 1903 he concluded to
o a candidate for Seuntor. On May
the amnounced at a meeting that
Before making

Refore making

mists. Smoot's tack.

the law.

O Did no abandon his family? A. No, he
provided for them.

Mr. Smoot was asked about the annesty
proclamation of 1891, based upon the plea
for annesty signed by thirteen apostles

The names were read over, and Mr. Smoot identified Moses Thatcher, Joseph F. Smith, Francis M. Lyman, Heber J. Grant, John Hebry Smith, John W. Taylor, M. W. Mer-

Presidency in 1902, when he applied for permission to become a candidate. He said he asked for leave of absence.

o asked for leave of absence.

Q. If the President had refused to consent o your becoming a candidate, would you have run? A. I don't know. I would have onsuited my friends, and If I had determined o run and could not obtain consent, I should have resigned.

Q. If you had run without consent would you have been out of the harmony? A. Yes, probably would. April, 1900.

Q. You have attended meetings of the quorum of apostles since you became a Senator? A. Yes, sir.

Q. In reference to the charge that the apostles are in a criminal conspiracy to further polygamy, has the subject of polygamy ever been discussed at the meetings of the apostles? A. No, sir.

Q. Is it true that the apostles and the lirst presidency are in such a compiracy? A. It is not.

Q. Were you present at the conference had october, when Joseph Smith was sustained? A. I was.

Q. What knowledge have you of Apostle Taylor having taken a binard wife since the manifesto? A. None whatever, except what I have heard there.

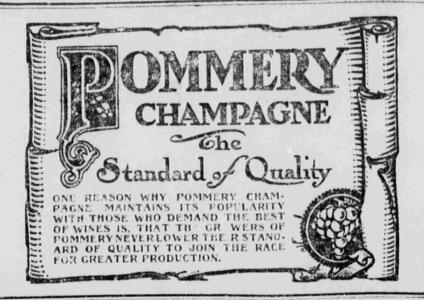
Senator Smoot said the same thing renoot said Roberts would not have been could to Congress if he (Smoot) could

The committee adjourned until te-mor-

PORTRAIT OF M'KINLEY.

garding Apostles Cowley and Cannon. He said he was present at the meeting of the First Presidency and the apostles just before the conference last October. At that meeting Charles W. Penrose was nominated as an apostle by President Smith, At that time, Senator Smoot said, he thought Penrose had only one wife. He did not want to hide helying that improve the company of the wast to hide helying that improve the company of the wast to hide helying that improve the company of the wast to hide helying that improve the company of the wast to hide helying that improve the company of the comp Penrose had only one wife. He did not want to hide behind that impression, however, because he did not believe that a man who had married before the manifesto had violated any law, and, therefore, was qualified for a Church position. He did not believe, however, that any one living in polygamy should hold any public office or receive a Government appointment.

9. Have you recommended for office any polygamist? A. I have not, nor do I inspired by Senator Platt.



HALPIN EXCISE PLAN WON'T DO

PLATT SAYS: RAINES IS THE MAN TO AMEND HIS OWN LAW.

Won't Butt Into Police Situation

Senator Platt saw several up-State Repub- They say that Gov. La Foliette will surely he expects to have talks with several more | name will go before the Legislature. It is

Of Do you believe Aposte Abram H. (and the best manifested at the local matrixed Lilian Hamilia after the manifested A. I am inclined to believe that he local matrixed Lilian Hamilia after the manifested A. I am inclined to believe that he local matrixed Lilian Hamilia after the manifested A. I am inclined to believe that he local matrixed Lilian Hamilia after the manifested with the conference habit refuse to attend the Monday caucus, so the decadiock will be thrown into the Legislature itself.

The decision of La Follette not to decline that caused considerable feeling among the supporters of other candidates, who may be understood the five beautiful after the manifested with the conference habit refuse to attend the Monday caucus, so friends. The decision of La Follette not to decline has caused considerable feeling among the supporters of other candidates, who may refuse now to give him the complimentary.

Senator Smoot testified that his faith had necreased and his convictions had deepened as to the Mormon religion since he had secome an apostle.

In the fall of 1891 Mr. Smoot reurned from a mission to England. He was abroad ten nonths. Before going to England he was ally aware of the prosecutions of polygamy of the prosecutions Mr. Platt said be had just dropped in vote.

now entire peace and harmony in the Republican party in this State.

Asked what he thought of William Halpin's suggested amendments to the Raines law he replied:

"That Halpin restaurant plan won't do. There will be no radical amendment of the Raines law at this session of the Legisliature. If any change in the law is made at all it will be a change suggested by Senator Raines himself. Raines is the man to amend the Raines law, and no one else. If Halpin has any plan of amendment that's his lookout. You know what the Scripture says about the expectations of the wicked being often frustrated.

In the course of a conversation on police conditions in this city Senator Platt was

"Mr Halpin says a Republican straight ticket can be elected," it was suggested. "Did he?" inquired the Senator. "Well, I hope a straight ticket will be elected—

ARMY BILL PASSED.

The House Adopts the Amendment Limiting the Pay of Retired Officers.

WASHINGTON, Jan. 20 .- The House to-day passed the Army appropriation bill for the year ending June 30, 1906, after approvof the whole limiting the pay of retired officers detailed to active duty on other than the Federal service. As finally

Rough Rider Gets Office and Rank. WASHINGTON, Jan 20.-The President ent to the Senate to-day the nomination of Alexander C. Brodie of Arizona to be

consent was given and the campaign began. The consent was given the president Smith and his two connectors. The request for consent was made vertailly to the First Presidency in their office. A consider reorganization of the Republicans case offected.

O. Was the Church is such to first president from the signess of the plea had promised to abstain from polygamous cohabitation in seventh to the first presidency in the first presidency in their office. A consider the prelimmeries to your cambidacy? A. Norther and the prelimmeries to your considerable of the church in any way it politics? A total all, and would not be.

O. Bid the Church have anything to do with selecting you or cristing your forward as a considerable for politics? A total all, and would you do? A I should interest you to you make the men and that therefore he had acted as all other ests of this country.

O. Bid the Church have anything to do with selecting you or cristing your forward as a considerable for the best interests of this country.

O. It did not.

O. Bothose who live with their views that there are your sound that therefore he had acted as all other people in Utah had acted.

O. Bothose who live with their views take the same view as John Henry Smith or law of the Church a No. Sr.

O. Would you resent such a first present of the people in Utah had acted.

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O. Would you resent such as the first present of the people in Utah had acted.

O. Would you resent such as the first present of the of Alexander C. Brodie of Arizona to be assistant chief of the record division of the War Office with the rank of Major.

Mr. Brodie is at present Governor of Arizona. He served under Mr. Roose velt in the Rough Riders in the Santiago campaign. His nomination displaces that of Edward S. Fowler of New York, whose confirmation is held up by the Scuate Committee on Military Affairs for the reason that the appointment of a civilian to the

The President's Guests at Luncheon, WASHINGTON, Jan. 20 -- The President and Mrs. Roosevelt entertained at luncheon to-day the following guests: Bishop and or resigned.

If you had run without consent would you have been out of the harmony? A. Yes, probably would.

Q. And what would that mean? A. Well. Can't say what the indement would be.

Speaking of Brigham H. Roberts, Mr. Sinoot said Roberts would not have been decided to Congress if he (Simoot) could afternoon some 500 members of the diplomatic official and resident society.

Littlefield Puts in Bis Corporation Bill.

Washington, Jan. 20.—Mr. Littlefield (Rep., Me.) to-day introduced in the House an amended copy of a bill, first offered by him on Dec. 6, 1901, requiring corporations engaged in interstate commerce to make annual reports to the Commissioner of Corporations and authorizing the Commissioner to inquire into the affairs of such corporations with a view to preventing the formation of monopolies.

It is probable that the Senate will on Monday summon Judge Swayne to appear at the bar to answer the charges against him, and will arrange that two hours of each day's session shall be devoted to braring the case. In order to save time the Senate will probably meet during the trial at 11 o'clock in the morning, instead of at noon, trial each day at 1 o'clock.

To Reduce Navy Bill by \$10.000.000.

Washington, Jan. 20.—Representative Dayton of West Virginia the repulsing

Commander W. C. Cutler, from lighthouse estabishment, Porto Rico, to command the Gaiveston.
Lieut. W. H. G. Bullard, from Navel Academy o
the Gaiveston as navigator.
Lieut. E. H. Delary, from command of the
Gloucester, &c., to the Massachusetts.
Acting Assistant Surgeon F. E. Sellers, from the
Roucester to navy yard, Norfolk.

Washington, Jan. 20.—Mr. A. Grip,
Minister from Sweden and Norway, and
Secretary Hay this morning signed an
arbitration treaty which follows the lines
of those with other countries which have
already been signed.

LA FOLLETTE FOR SENATOR. His Managers Say He Won't Decline if Com-

plimentary Votes Are Given to Him. Madison, Wis., Jan. 20 .- After securing pledges of enough votes to nominate Gov.

La Follette for the Senatorship, on condi-tion that he shall decline the nomination The Senator Is Also Against Lou Payn's and leave the question open to a second Scheme to Pile the Taxes on Saloons | ballot, the La Follette managers declare that the report that La Follette would deby Reviving State Constabulary Idea. | cline is nonsense.

lican leaders yesterday. The meetings accept, and that there was no intention with them was not in the nature of formal on their part to pledge the Governor to a conferences. They dropped in to see the | declination. On this showing when the Senator in the course of the day, and before | caucus is held Monday night Gov. La Folhe goes back to Washington to-morrow lotte will receive a majority vote and his certain, however, that the Quarles and Senator Platt made it clear that he hasn't | Webb supporters, who can combine almost been inoculated with the conference habit enough votes to elect in joint session, will when he stated, despite cor rary reports, refuse to attend the Monday caucus, so fore, admitted by Judge Hooker and his

refuse now to give him the complimentary

In the course of a conversation on police conditions in this city Senator Platt was asked if he thought a solution of the trouble of the course were all that was saved.

On his complaint two Italians employees of the course were looked up in the Alexander.

Alexander Lambert, the visiting physician, said he thought Dr. Young died of tuber-

The Board of Health referred the case Bellevue pathologist, performed an autopsy yesterday. He found that Young died of pneumonia. He said that he found no traces of chloral poisoning. The body was sent to Richmond last night.

ing the provision inserted by the committee WARSHIP FOR SANTO DOMINGO. Commander Dillingham, Sent There by the State Department, Asks for One.

than the Federal service. As finally adopted, this provision limits to the full pay and allowances of the rank of Major the increase that may be made by the United States in the pay of such officers while engaged in this active service. A number of Denocerats thought that the amendment was aimed at Gen. Miles, and a vote of yeas and nays was demanded by Messrs. Williams (Dem., Miss.) and Cockran (Dem., N. Y.). It resulted Yeas, 201; nays, 50. Messrs. Gaines (Rep., W. Va.) and Russell (Dem., Tex.) were appointed by Speaker Cannon tellers on the part of the House at the counting of the electoral vote on Feb. S.

It is said that President Morales is anxious tion, it is known that the insurgents have the upper hand nearly everywhere, and that President Morales cannot do just as he chooses. The only cities where Morales has absolute control are Santo Domingo and Monte Christi. The opinion prevails throughout official circles that the United States will be compelled to straighten out licininican affairs, the innullity of the Dominicans to do so themselves having

SWAYNE TRIAL AT THIS SESSION. Speaker Cannon Will To-day Name the

Managers on the Part of the House. Washington, Jan. 20. Speaker Cannon will to-morrow announce the names of the seven members of the House who will prosecute Judge Charles Swayne of the Northern District of Florida when he is tried by the Senate for "high crimes and nusdemeanors. A tentative arrangement was made to-day under which Judge Swayne will be tried at the present session. It is probable that the Senate will on Mon-

Dayton of West Virginia, the ranking Republican member of the House Com-mittee on Naval Affairs, called on the Presi-Washington, Jan. 20.—These army orders were dent this morning to discuss the navel appropriation bill now before the committee. Col. Charles Shaler. Ordnance, is retired with the rank of Brigadier-General. The retirement of Col. Villiam L. Alexander. Assistant Commissary-General: Col. Charles T. Smart. Assistant Commissary-General: Col. Charles T. Smart. Assistant Surgeon General, and Col. John J. O'Connell, with the rank of Brigadier-General.

Arbitration Treaty With Sweden.

THE RESERVE OF THE PARTY OF THE

THE BAR'S LEADERS ON HOOKER

DEPLORABLE PRECEDENT, SAYS W. B. HORNBLOWER.

Theodore M. Taft Would Have the Local Har Associations Ask the Legislature to Pass on the State Body's Findings -Thinks That Brooklyn Should Act.

William B. Hornblower, who led the fight in the State Bar Association for a legis-lative investigation of the charges against Justice Warren B. Hooker and whose efforts for the honor of the bar and bench were nullified by Justice Hooker's friends packing the meeting, believes that the Bar Association established a deplorable procedent in refusing to place Hooker's case before the Legislature.

"I think that a most unfortunate prececlent has been established by the State Bar Association." said Mr. Hornblower yesterday to a Sun reporter. "The association by that action has taken the ground that acts committed by a Judge in office which are morally objectionable afford no ground for removal by the Legislature unless those acts have to do with his official conduct as a Judge.

"The facts in the case were fully and finally investigated by an able and impartial committee of the State Bar Association. the Standing Committee on Grievances, which heard all the evidence that Justice Hooker cared to produce before them, including his own sworn statement. That committee consisted of twenty-three lawyers from all parts of the State, the chairman, being Prof. Huffcut of Cornell Law

"The committee made unanimous findings of fact and reported those findings to the State Bar Association. The Association, without substantial opposition, adopted these findings which stand, there

The only question then before the Har Association was whether those findings of fact should be presented to the Legis-lature for further investigation and action.

Association was whether those inclings of fact should be presented to the Legislature for further investigation and action. The association, at the instance of Justice Hooker's supporters, by a bare majority of votes, decided that no further action should be taken by the Bar Association. The minority of those present at the meeting, including myself, a minority that amounted to very nearly one-half of the members there, were of opinion that the facts found by the committee and approved by the association showed conduct on the part of Justice Hooker of a sufficiently flagrant character to call for further action by the Legislature.

"I regret very much on Justice Hooker's account and on account of the honor of the bench and bar that further steps are not taken to vindicate Justice Hooker or to test the question of his removal from office.

"It is to be borne in mind that the resolutions adopted by the association and voted for by Justice Hooker's friends express disapproval of his conduct, so that even his own friends by the resolutions adopted did not justify him in the forum of morals. They claimed that he did nothing which calls for his removal by the Legislature from his judicial office."

Mr. Hornblower said he had talked with lawyers from all parts of the State and had received some letters bearing on the case, but he did not care to attempt to reflect the feeling of the profession by discussing these talks and letters. He did not know whether any further action is to be taken against Justice Hooker's friends in the meeting was disgraceful and that the association suffered itself to be stultified and made ridiculous by the bullying of lawyer-politicians who supported Hooker.

Hooker and their disinclination to submit cases on appeal to a man in whom they have no respect, some of these make the plea that their first duty is to their clients and that they might jeopardize the interests of their clients in important cases by advocating action against Justice Hooker by the local bar associations. A well known

Of the laws of my ceintry? I do not the series of my married? A in the Tennice at Logan.

A there are the married? A the Tennice at Logan, the series of the feature of the third of the laws of my ceintry? I do not the theorem of the laws of my ceintry? I do not the third of the laws of my ceintry? I do not deep the feature of the laws of my ceintry do not deep the feature of the laws of my ceintry do not deep the laws of m

Theodore M. Taft of 15 William street, had prayed, for which the State appropri-Theodore M. Taft of 1s william street.

Manhattan, who is a member of the grievance committee which had the preparation of the Hooker case in charge, had this to do business. A calendar had been pre-

of the Hooker case in charge, had this to say yesterday:
"It is my opinion that any bar association in the State would be amply justified in taking action against Justice Hooker and asking the Legislature to pass on the findings of the New York State Bar Association. Ings of the New York State Bar Association. It seems to me from an outside point of view that the Brooklyn Bar Association, the members of which are forced to submit their cases to him, is the one above all others that should do this thing.

"The facts as unanimously found by the committee and adopted by the association are of so grave a character, notwithstanding."

committee and adopted by the association are of so grave a character, not with standing the whitewashing, that an investigation by the Legislature is absolutely imperative. The moral sense of all right minded men is so shocked by the statement of facts that politicians will hardly dare to oppose another investigation. The charges stand and will always stand until Justice Hooker meets them in an official investigation."

Most members of the Brooklyn bar believe that the case should not be allowed lieve that the case should not be allowed to drop. A movement is being started to press the Brooklyn Bar Association to place Justice Hooker's case before the Legislature If that movement should fail, objections will be filed by many of them to having their cases heard on appeal by Justice

be TO TEST BARGE CANAL LAW. Petition Seeking Permission of the Attorney-General to Bring an Action.

ALBANY, Jan. 20 .- The Hon. John I. Platt of Poughkeepsie, who is prominent in the movement against the 1,000 ton barge canal, was in Albany to-day with a petition of about a score of names, seeking permission of the Attorney-General to bring an action to test the constitutionality of the Barge Canal act. The petition will be presented to Attorney-General Mayer on his seturn to Albany peet week.

return to Albany next week.

The petitioners allege that the law is invalid on four different points, but decline at this time to indicate what they are. at this time to indicate what they are. Mr. Platt expects that Elibu Root and for-mer Chief Judge Andrews of the Court of Appeals will appear in Albany to make the

State Civil Service Commission Organizes. ALBANY, Jan. 20. - The State Civil Service Commission organized to-day. Commissioner Charles F. Milliken of Canandaigua sioner Charles F. Milliken of Canandargua was elected president. The commission will meet at the Hotel Astor. New York, on Feb. 10 to continue the hearing in the natter of the charges preterred by the (ivil Service Reform Association of New York against County Clerk Hamilton, involving the making of appointments for political reasons and in violation of the Civil Service law.

SOUTH DAKOTA DIVORCE REFORM A Bill Framed to Prevent Easterners From Seeking Freedom There.

SIOUX FALLS, S. D., Jan. 20 .- A bill making important changes in the South Dakota divorce laws is to go before the State Legislature. It will seek to do away with wholesale divorcing by providing that the courts shall have jurisdiction only when the cause of action arises within the State and when both principals are bona-fide residents of the State. If the bill passes it will prevent residents of Eastern States from taking advantage of the South Dakota divorce courte



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The majority of the 389 suits just added to the hundreds which former revisions have dropped former prices were up to \$20 to the \$15 tables, were \$26 and and \$24.

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NOTE!—Admission to the Exhibition, Fifty Cents. The Sale Will Be Conducted by Mr. Thomas E. Kirby of THE AMERICAN ART ASSOCIATION, MANAGERS.

6 East 23d Street, Madison Square South, New York. ONLY FOUR SENATORS PRESENT.

Twenty-four Assemblymen Pass Bills Ap-

propriating \$300,000. ALBANY, Jan. 20.-The first Friday session of the State Legislature was a laughable affair. In the Senate only four Senators name be used, put the case in this way:

"It is a pretty stiff proposition for lawyers to face if they take action against Justice Hooker while they have an important case pending before him on appeal. They put seems to face if they have an important case pending before him on appeal. They put seems to senator Raines presided, and for once the majority on the floor was Democratic. That was composed of Senators Grady and Foley (Tam.). The were present. Senator Raines presided pending before him on appeal. They put their reluctance on the ground of their duty to their clients. When it is all boiled down, though, it is nothing less than cowarding."

Senators Grady and Foley (Tam.). The minority was composed of Senator Page, who was the leader of himself. He made the motion to adjourn after the minister

> pared and it was disposed of. Three bills carrying appropriations for the payment of newspapers for publishing the concur- tio rent resolutions and the sessions laws

portant point. A bill was on the calendar for final passage to legalize certain acts of James C. Sheldon, a notary public. Mr. Sheldon is a member of the Assembly from Cattaraugus county. He executed some papers as a notary after be had been elected an Assemblyman. Now he wants the papers that he acted on validated, and a legislative act is necessary. Mr. Palmer says that a member of the Assembly cannot a notary public and he disputed the

Assemblyman Hartman introduced his bill increasing the amount of the New York city school tax from 3 mills to 3½ mills. He said he has done this after conferences with Superintendent of Schools Maxwell. The latter has informed Mr. Hartman that more money is absolutely necessary to con-duct the New York city schools, especially the night, recreation and summer schools, and the additional half mill will accomplish that purpose.

Assemblyman Sammon introduced a bill

pealing the provision of law requiring e New York city sustices of the Municipal Court to sit in other districts than their own in rotation. By his bill a Justice will only hold court in the district from which

Extradition Treaty With Spain. WASHINGTON, Jan. 20 .- An extradition treaty with Spain was to-day ratified by the Senate, after being amended, as recommended by the Committee on Foreign Relations, so as to provide that any fugitive delivered up by either country shall be tried only for the offence upon which extra-dition was granted and by expressly ex-cluding political crimes from the list.

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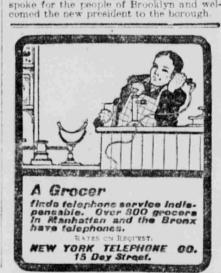
www www.man NEW PRESIDENT INSTALLED. Head of Brooklyn Polytechnic Institute

Is Only 35 Years Old. Prof. Fred. W. Atkinson was installed as president of the Polytcehnic Institute of Brooklyn, at Plymouth Church last night. Dr William H. Nichols, chairmen of

The new president is a graduate of Harvard, and is about 35 years of age. He has been an extensive traveler in foreign countries, where he has taken degrees in the arts and sciences. He was a public instructor in the Philippine Islands when selected to fill the presidency of the Polytechnic

In his inaugural address he said that the present is not only a time of commercial combination, but of combination in educa-tional matters—the combination of utility and higher education. He said that tech and higher education. He said that technical education was a mighty force, representing an enlargement of education and that it must produce not merely a good man, but one who is a good man good for some one thing—good for something.

The ceremony was opened by Bishop Burgess, who delivered the invocation. Martin W. Littleton, Borough President, spoke for the recoble of Brooklyn and wel-



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